



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 07/06/99

AGENDA ITEM 6

WORK SESSION ITEM           

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Approve the Engineer's Report and Order the Levy of Assessments for FY 1999-00

**RECOMMENDATION:**

It is recommended that the City Council continue this item for two weeks as explained below.

**DISCUSSION:**

On June 8, 1999, the City Council adopted a resolution of intention to levy the annual assessment for Maintenance District No. 1. This hearing was scheduled to adopt the assessment and budget for the District for FY 1999-00.

The assessment amount of \$171.60 per single-family lot for FY 1999-00 is the same as that of FY 1998-99. The per-lot annual collection amount on the other hand has increased by \$6.63 to build the capital replacement reserves for the District. Collection amounts can be less than assessment amounts because surpluses are carried forward.

Given that assessment amounts have not increased, the City is not required to have a public meeting regarding the proposed budget. However, City Council policy regarding participation by residents requires that such meetings be held prior to Council taking action. Staff were unable to hold a public meeting prior to today's hearing, and therefore request that this hearing be continued for two weeks.

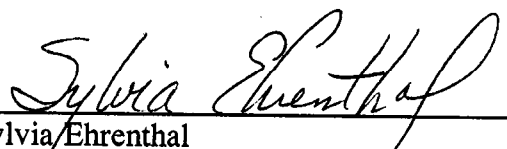
Prepared by:

A handwritten signature in cursive script that reads "Bashir Y. Anastas".

Bashir Y. Anastas, P.E.

Development Review Services Engineer

Recommended by:

  
\_\_\_\_\_  
Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

  
\_\_\_\_\_  
Jesús Armas, City Manager

6.29.99

SM 6-16-99

HAYWARD CITY COUNCIL

**DRAFT**

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION CONFIRMING THE ASSESSMENT  
DIAGRAM AND ASSESSMENT, AND ORDERING LEVY  
AND COLLECTION OF ASSESSMENT FOR THE 1999-00  
FISCAL YEAR, MAINTENANCE DISTRICT NO. 1, STORM  
DRAIN PUMPING STATION AND STORM DRAIN  
CONDUIT, PACHECO WAY, STRATFORD ROAD, AND  
RUUS LANE

WHEREAS, by Resolution No. 99-100, a resolution declaring intention to levy assessments for fiscal year 1999-00, this City Council preliminarily approved the Engineer's Report submitted in accordance with the provisions of section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a public meeting was held on June 8, 1999, to provide information and allow affected owners an opportunity to speak; and

WHEREAS, July 6, 1999, at the hour of 8:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2<sup>nd</sup> Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council of protests for levy of assessment; and

WHEREAS, at the appointed time and place, the hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the proposed district were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly heard, considered, and overruled, and this City Council thereby acquired jurisdiction to confirm the maintenance district diagram and fee schedule, including the adjustment in value.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

1. At the closing of the public hearing, the property owners owning more than 50 percent of the area of chargeable lands within the proposed maintenance district had not filed written protests against the proposed levy of assessment;
2. The public interest, convenience, and necessity require that the levy be assessed;

3. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram included in the engineer's report attached hereto as Exhibit "A";
4. Said engineer's report as a whole and each part thereof, to wit:
  - (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;
  - (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;
  - (c) the maintenance district diagram;
  - (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

are finally approved and confirmed and incorporated herein.

5. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.
6. The assessment in the amount of \$171.60 to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the 1999-00 fiscal year, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 99-100 and described in the engineer's report, and it is hereby determined to order the collection of \$171.60 per lot.
7. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:
  - (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot; and

- (b) that there is substantial evidence to support this finding and determination as to special benefit;
  - (c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.
8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.
9. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No. 99-100.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward